

Dated: July 2, 2014

The following is ORDERED:



A handwritten signature in black ink, reading "Tom R. Cornish", is written over a horizontal line.

**TOM R. CORNISH
UNITED STATES BANKRUPTCY JUDGE**

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

**IN RE:
ELIAS NEFFIE QUINTANA
Aka ELIAS QUINTANA
Dba FORT GIBSON INVESTMENTS
Debtor.**

**CASE NO. 14-80384- TRC
CHAPTER 11**

ORDER DENYING MOTION FOR ORDER TO SHOW CAUSE

Before the Court is Debtor's Motion for Order to Show Cause (Docket Entry 41), with Objection of Arvel G. Hammack and Joyce V. Hammack, Trustees of the Arvel G. Hammack Revocable Trust (Docket Entry 53), and Objection of Fort Gibson State Bank (Docket Entry 57).

Debtor seeks an order from this Court finding that Hammack Trust and Fort Gibson State Bank be held in contempt of court for failing to comply with a subpoena duces tecum and produce documents requested therein. The subpoena duces tecum was issued in a state court action, Case No. CJ-2011-291, in the District Court for Muskogee County, Oklahoma. It was issued by Fort Gibson Investments, LLC to Ft. Gibson State Bank.

Debtor cites no authority for a federal bankruptcy court's enforcement of a state court subpoena, nor can this Court find any. This Court has no jurisdiction to enforce a subpoena issued in a state court proceeding nor enter a contempt order regarding matters in the state court proceeding. *See Giza v. Sec'y of Health, Ed. and Welfare*, 628 F.2d 748 (1st Cir. 1980)(neither comity nor Full Faith and Credit Clause vests jurisdiction in a federal court to enforce a state court subpoena). Further, the issuer of the subpoena is Fort Gibson Investments, LLC. Debtor Quintana was not a party to the state court action and did not issue the subpoena. The subpoena is only directed to Fort Gibson Bank, not to the Hammacks nor the Hammack Trust, therefore there was no action required of them and they cannot be found to be in contempt.

IT IS THEREFORE ORDERED that Debtor's Motion for Order to Show Cause (Docket Entry 41) is **denied**.

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